

ORIGINAL

FILED

NOV - 3 2017

U.S. COURT OF
FEDERAL CLAIMS

In the United States Court of Federal Claims

No. 17-1614C

(Filed: November 3, 2017)

* * * * *

ROBERT R. HOLLOWAY, III,

Plaintiff,

v.

THE UNITED STATES,

Defendant.

* * * * *

ORDER OF DISMISSAL

On October 23, 2017, pro se Plaintiff Robert R. Holloway, III, filed a complaint in this Court. Plaintiff's complaint, which uses the caption for the United States District Court for the Central District of North Carolina, includes four separate complaints styled as "Magnum XL, Inc v. Harley-Davidson of Greensboro, DBA Harley-Davidson, Robert R Holloway, III v. East Orlando-Harley Davidson, Orlando Harley Davidson, Orlando Harley-Davidson Gear Store, Orlando Harley Davidson at Disney Springs, Orlando Harley-Davidson South, Orlando Harley Davidson, Robert R Holloway, III v. Grand Canyon Harley-Davidson Shop, Whiskey Row Harley-Davidson, Sedona Harley-Davidson, Grand Canyon Harley-Davidson, and Robert R Holloway, III v. Iron-Valley Harley-Davidson, Harley-Davidson of Chester Springs, White's Harley-Davidson."¹

The only proper defendant in this Court is the United States. United States v. Sherwood, 312 U.S. 584, 588 (1941); Berdick v. United States, 612 F.2d 533, 536 (Ct. Cl. 1979). As Plaintiff has named various locations of Harley Davidson, not the United States, as the Defendant in this action, this Court does not have jurisdiction over Plaintiff's claims. In addition, Magnum XL, Inc. is not a natural person and must be represented by counsel. Mr. Robert Holloway filed the complaint on behalf of Magnum XL, Inc. and does not identify himself as an attorney. Rule 41(b)

¹ Plaintiff filed an identical complaint, under the caption Magnum XL, Inc. v. Harley-Davidson of Greensboro, DBA Harley-Davidson, on July 5, 2017, which this Court dismissed on July 7, 2017.

allows the Court to dismiss a case if the plaintiff fails to comply with the Court's rules. RCFC 41(b).

The Clerk is directed to dismiss Plaintiff's complaint. Plaintiff's motion to proceed in forma pauperis is denied as moot.


MARY ELLEN COSTER WILLIAMS
Judge